

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN YOUNG, et al.,

Plaintiffs,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT, et al.,

Defendants.

Case No. 20-cv-00685-VC

**ORDER GRANTING MOTION TO
STRIKE REQUEST FOR
INJUNCTIVE RELIEF**


Re: Dkt. No. 46

The School District’s motion to strike the request for injunctive relief is granted because the plaintiffs lack Article III standing to pursue injunctive relief. “To have standing to assert a claim for prospective injunctive relief, a plaintiff must demonstrate ‘that he is realistically threatened by a repetition of [the violation].’” *Melendres v. Arpaio*, 695 F.3d 990, 997 (9th Cir. 2012) (quoting *City of Los Angeles v. Lyons*, 461 U.S. 95, 109 (1983)). The plaintiffs allege that they are parents and educators of students who attend schools in the District; that they participated in and spoke out at school board meetings to oppose school closures before the incident on October 23, 2019; and that, after the incident, they attended at least one meeting, during which the school board denied them participation by cutting the microphone. But these allegations are not enough. The plaintiffs have not, for example, alleged that they plan to attend, and engage in civil disobedience at, school board meetings in the future. Nor do their allegations give rise to a concern that the District will respond in a similar fashion if they do attend future meetings and engage in civil disobedience. *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014); *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167, 190 (2000); *Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139 (2010).

The request for injunctive relief is stricken without prejudice to seeking leave to add such a claim if legitimate discovery on the existing claims reveals a basis for it. The defendants' request for judicial notice is denied as moot because a ruling in the defendants' favor did not require examination of the materials subject to the request. The motion for judgment on the pleadings with respect to the claim for injunctive relief is denied as moot.

IT IS SO ORDERED.

Dated: November 12, 2020



VINCE CHHABRIA
United States District Judge